

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

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**PLAINTIFF CYTOLOGIX CORPORATION'S MOTION TO IMPOUND**

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Pursuant to Local Rule 7.2 and this Court's order of December 1, 2005, Plaintiff CytoLogix Corporation hereby moves the Court for an order impounding: (1) Plaintiff CytoLogix Corporation's Opposition to Ventana's Motion to Dismiss for Lack of Jurisdiction, and (2) Declaration of Michael E. Zeliger in Support of CytoLogix's Opposition to Ventana's Motion to Dismiss for Lack of Jurisdiction.

As grounds for this motion, CytoLogix states that the Opposition and declaration include information designated as "Restricted Confidential Information" under the terms of the Stipulated Protective Order. The designated materials concern certain corporate transactions entered into by CytoLogix. Pursuant to this Court's order of December 1, 2005, CytoLogix has lodged the opposition and declaration with the Court under seal, with the "Confidential Information" highlighted.

The impoundment sought herein should continue until sixty days after entry of final judgment in this case. Thereafter, the materials shall be returned to counsel for CytoLogix.

Dated: March 6, 2007

/s/ Michael E. Zeliger  
Michael E. Zeliger (BBO # 633654)  
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Jackson Ho (BBO# 663413)  
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**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2), that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein. Plaintiff has assented to this motion to impound.

/s/ Michael E. Zeliger  
Michael E. Zeliger